

at least one consumer data acquisition device, said at least one consumer data acquisition device operable to store consumer data,

wherein the terminal device is operable to selectively extract a portion of the consumer data stored on the at least one consumer data acquisition device, said selective extraction based on selected consumer data identified by said data collection center, wherein the extracted portion of consumer data is extracted by said terminal device for analysis and storage by said data collection center, and wherein the extraction of only a portion of the consumer data for storage at said data collection center reduces the memory required by said data collection center for storing consumer data.

49. (New) A system for collecting and storing consumer data, comprising:
a data collection center operable to store selected consumer data; and
a terminal device in communication with said data collection center and a consumer data acquisition device configurable to store consumer data,

wherein said terminal device is operable to access said consumer data acquisition device, extract at least a portion of the consumer data stored thereon to generate said selected consumer data, and wherein said data collection center is operable to store said selected consumer data, such that the data collection center need not store all of said consumer data stored on the consumer data acquisition device.

REMARKS

After entry of the foregoing amendments, claims 34 - 49 are pending in this application. Claims 22 - 33 have been canceled. Reexamination and reconsideration of the application, as amended, is requested. The new claims presented are directed towards embodiments of the present invention that were not previously specifically claimed. As the original claims were cancelled without prejudice, the applicant does not intend the new claims to be viewed as amendments to the original claims and, therefore, does not intend that any subject matter recited in the original claims, or any equivalent thereto, has been forfeited.

The Examiner rejected independent claims 1 and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,129,274 to Suzuki ("Suzuki"). The Examiner states that *Suzuki*

teaches a method and corresponding system for tracking consumer data as originally recited in claims 1 and 13. The Examiner also rejected independent claim 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,327,570 to Stevens ("*Stevens*"). The Examiner stated that *Stevens* teaches the method as originally recited in claim 21. Finally, the Examiner rejected independent claims 22 and 28 as being unpatentable over Suzuki in view of Stevens. Claims 1 – 33 have all been canceled, rendering the Examiner's rejections of those claims moot. However, inasmuch as the examiner may attempt to rely on *Suzuki* and *Stevens* to support a rejection of new independent claims 34, 48 and 49, the Applicant offers the following remarks.

Neither *Suzuki* nor *Stevens*, alone or in combination, teaches a method or system for tracking consumer purchasing data for consumer products in which consumer data is selectively extracted from the consumer's data acquisition device for analysis by a computer program or data collection center, where the computer program or data collection center identifies the data to be extracted and stores only the data extracted therefrom, as recited in new claims 34, 48 and 49. Such extraction of data permits the present invention to extract individual data from consumer acquisition devices, to analyze such data, and to build a database, such as an inferred marketing database, of useful consumer data that may be analyzed by the computer program or data acquisition center, as is described at pages 13-16 of the specification. This database allows systems and methods of the present invention to identify and store only a the extracted portion of consumer data, saving memory space in both the database and memory of the consumer acquisition device. As will be appreciated by reference to the specification, no new matter is added by this amendment.

Suzuki discloses an electronic personal shopping system relying on a customer's personal smart card and point of sale terminals in retail facilities. Demographic profile data, customer transaction history and a customer's current incentive indicia are stored on the smart card, which is interfaces with a store's POS terminal or a kiosk terminal. Transaction information read by a POS device or kiosk from the smart card is transmittable to a central processing facility in a batch process. See *Suzuki*, col. 2, lines 9 - 57. In order to allow the consumer to receive credit for recent purchases, before a batch transfer of related transaction data is made to the central processing facility, the smart card can receive transaction data from a POS device or kiosk and provide that data to subsequent POS devices or kiosks that the consumer encounters. See *Suzuki*,

col. 3, line 65 - col. 5, line 35. The POS terminals or kiosks of Suzuki do not selectively extract only a portion of the data stored thereon for analysis by a computer program, where the portion of data extracted is identified by the computer program and stored by the computer program in a database that contains only the selectively extracted data. Although the smart card of Suzuki allows information to be extracted therefrom by, e.g., a POS device, the POS device does not include a program that selectively identifies data to be extracted, after which it extracts, analyzes and stores the extracted data such that it need not be stored on the smart card. On the contrary, after limited use the smart card of *Suzuki* must carry a preset amount of transaction and consumer data made available to each kiosk or POS terminal.

Stevens describes a similar personal agent device that is capable of receiving product identifiers and providing those identifiers to a POS device. See *Stevens*, col. 10, lines 6 - 35. *Stevens* does not, however, describe that the personal agent device is accessible by a computer program residing on a POS device that identifies and extracts selected data for analysis, where the data is then stored in a database of extracted data. Further, no where does *Stevens* describe transmitting transaction data relating to consumer purchases from the agent device to a database for storing only select consumer data such that the consumer data need not be stored on the personal agent device.

For the foregoing reasons, the applicant does not believe that either *Suzuki* or *Stevens*, alone or in combination, describes, teaches or suggests, all of the elements recited in new independent claims 34, 48 or 49. Accordingly, the Applicant submits that new independent claims 34, 48 and 49 are allowable over the cited art. Dependent claims 35-47, which include all of the elements of corresponding independent claim 34, are therefore also believed to be allowable.

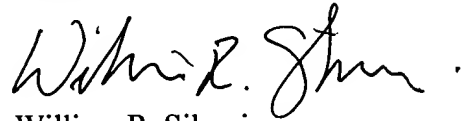
CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed December 24, 2002. The applicant requests that all pending claims be allowed because, as shown above, they are patentable over the art of record. If there are any issues that can be

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resolved by a telephone conference or an Examiner's Amendment, the examiner is invited to call the undersigned attorney at (404) 853-8422.

Respectfully submitted,



William R. Silverio
Attorney for Applicant
Reg. No. 45,383

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, GA 30309
(404) 853-8000
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